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From US Mission to ECSC
Luxembourg

Translation

Statutes of Study Syndicate for the construction
of the European plant for the isotopic separation
of uranium

The Governments of the Federal Republic of Germany, the Kingdom of Belgium, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands,

Considering that in February 1956 they agreed in principle on the creation of a Study Syndicate for the construction of the European plant for the isotopic separation of uranium,

Considering the decisions adopted by their Ministers of Foreign Affairs at Venice on May 29 and 30, 1956, as well as the work currently underway within the Intergovernmental Conference for the Common Market and Euratom, called by these Ministers by virtue of their above-mentioned decisions,

Are agreed on the following measures:

Article 1

There is created a "Study Syndicate [Syndicat d'Etudes] for the construction of the European plant for the isotopic separation of uranium," hereinafter referred to as "the Syndicate,"

Article 2

The mission of the Syndicate is to prepare by all useful means and in conformity with the present statutes, and in particular by the organizing and coordinating of studies, the construction of the European plant and notably the plans for this plant, pending the transfer of the Syndicate's activity to the organization that will subsequently be given responsibility for the construction of the plant.

Article 3

The Governments signatories of the present statutes are the initial members of the Syndicate.

The bodies and enterprises meeting the conditions stipulated in Article 5 may be associated in the work of the Syndicate.

Article 4

- a) The Syndicate is directed by an Executive Committee.
- b) The Executive Committee includes one delegate from each member Government.

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c) If absent the regular delegate may be replaced by an alternate.

d) Each delegate may be assisted by non-voting experts; however, upon the request of one delegate the Executive Committee will sit without experts present.

Article 5

a) Status as an associated body or enterprise may be granted only to a body or an enterprise established on the territory of one of the member Governments and meeting the following conditions:

1) exercise an activity or dispose of knowledge or rights of direct interest for the construction or the operation of the plant,

2) have expressly requested to be associated in the work of the Syndicate,

3) undertake a written commitment toward the Government of the State of which the body or enterprise has the nationality, to fulfill the obligations provided for in the present statutes and particularly under Article 6(a).

b) After having noted, under their responsibility, that the conditions provided for in paragraph a) above are fulfilled for the bodies or enterprises having the nationality of their respective States, the Governments so inform the Executive Committee, which in taking note of such notification recognizes the status of associated body or enterprise.

c) Status of associated body or enterprise enables the latter:

- to obtain, with the consent of the Executive Committee and under the conditions stipulated in Article 7(c), through the intermediary of the delegate of its country, communication of reports and results of the scientific and technical work placed at the disposal of the Syndicate,

- to participate, through one or more experts, upon the request of the delegate of its country in the work of the Executive Committee for matters concerning its field of activity.

Article 6

a) The member Governments, as well as the associated bodies and enterprises, agree

- not to communicate to third parties, without the consent of the Executive Committee, information that they will have obtained through their participation in the work of the Syndicate,

- to communicate to the Syndicate information and results of scientific and technical research work that are necessary for the achievement of the Syndicate's mission and of which they freely dispose; in case the results of the above-mentioned work are destined to be patented, to communicate information and the results of this

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work at the latest when at least temporary protection is assured.

- under the conditions provided for in Article 10, to grant to the future organization to be given responsibility for the construction of the plant irrevocable and non-exclusive licenses for patented inventions, the use of which would be recognized as necessary by the Executive Committee for the construction of the plant.

b) The member Governments agree in addition to have the Syndicate, and subsequently the future organization to be given responsibility for the construction of the plant, benefit from the commitments given them by the associated bodies and enterprises, and of which the member Governments may freely dispose.

Article 7

For the purposes defined in Article 2 of the present statutes, the Executive Committee will in particular:

a) make a permanent inventory of research or studies undertaken or underway, and which is of interest for the construction of the plant;

b) draw up a plan for research and studies remaining to be accomplished with a view to their coordination and rationalization, and proceed to distribute such research and studies among the countries represented;

c) ensure that information and results of the research and studies brought to the knowledge of the Syndicate are communicated among the delegates of the member Governments. In accomplishing this mission the Executive Committee shall take into consideration the interests of the Governments, bodies and enterprises that communicate the above-mentioned information or results. In particular, it cannot transmit such information or results to other participants in the work of the Syndicate except with the agreement of the aforementioned Governments, bodies and enterprises. Any information communicated to the Executive Committee that is designated as secret must be kept secret and cannot be transmitted to other participants except under the same conditions.

d) register the commitments to grant the licenses referred to in Article 6 and negotiate with the rightful owners, in conformity with Article 10 below, the conditions for the ceding of the aforesaid licenses to the organization to be given responsibility for the construction of the plant;

e) make all useful recommendations to the member Governments for the attainment of the Syndicate's mission, particularly as concerns:

- the advisability of a modification of the present statutes,

- the formation and the functioning of an organization given responsibility for the construction and the operation of the plant.

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Article 8

a) The decisions of the Executive Committee are taken by unanimous vote, excluding the votes of Governments which abstain from taking position or from being represented.

b) Any delegate who is unable to be present at a vote of the Executive Committee may give his alternate by means of a written power of attorney a mandate to vote in his name. This power of attorney must be transmitted by the mandatary to the President prior to the opening of the meeting.

Article 9

a) The Executive Committee chooses its President and its Vice-President for a period of one year from among the delegates of the Governments.

b) In principle the Executive Committee meets once monthly and is called into session by its President.

c) In accordance with the Directives of the Intergovernmental Conference for the common market and Euratom or, subsequently, in accordance with the directives of Euratom, the President together with the Secretary-General of these bodies supervises the organization of the work of the Syndicate, particularly as regards the Secretariat of the Executive Committee.

Article 10

a) The amount and the nature of the appropriate compensation to be paid to the rightful owners in exchange for the exploitation of irrevocable and non-exclusive licenses that they have agreed to grant to the future organization given responsibility for the construction of the plant will be fixed by agreement between the Executive Committee and the rightful owners. The compensation will be paid by the above-mentioned organization.

In case negotiations between the Executive Committee and an associated body or enterprise cannot result in an agreement, the above-mentioned compensation will be fixed under the arbitration procedure provided for in paragraph c) below.

b) The technical contributions of the various countries that cannot be patented and that will be used by the future organization given responsibility for the construction of the plant will be subject to equitable compensation paid by the aforesaid organization. The nature and the amount of such compensation will be fixed subsequently, upon the proposal of the Executive Committee, by agreement between the rightful owners and the above-mentioned organization or in the absence of agreement under the arbitration procedure provided for in paragraph c) below.

c) In case of disagreement, each of the parties designates an arbitrator. The arbitrators designate their President. In case the arbitrators cannot agree on the choice of President, the latter shall be designated by the Court of Arbitration of the International Chamber of Commerce.

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Article 11

The President of the Executive Committee ensures liaison with the Inter-governmental Conference for the Common Market and Euratom. For this purpose in particular he must transmit to that organization the final minutes of the meetings of the Executive Committee and any oral and written information that the above-mentioned organization would request concerning the activities of the Syndicate.

In conformity with the principle laid down in paragraph a) of Article 6, the above-mentioned documents and information will be transmitted to the aforesaid organization only on condition that they may not be communicated to third parties.

A similar liaison will be set up with Euratom upon the creation of this organization and according to procedures to be defined by it.

Article 12

a) Any non-signatory Government may request to become a member of the Syndicate. The member Governments decide by unanimous vote and also determine the conditions for such participation by unanimous vote.

b) The non-signatory Government will become party to ^{the} present statutes and member of the Syndicate upon the date of receipt by the Belgium Government of a written notification stating acceptance by the aforesaid non-signatory Government of the conditions of its participation.

Article 13

Any modification of the present statutes requires the unanimous agreement of the member Governments.

Article 14

a) The Syndicate will cease to exist as soon as its activity can be transferred to the organization given responsibility for the construction and the operation of the plant, or, if this organization is not formed two years after the date of signing of the present statutes, upon the nearest date permitting the liquidation of the activity of the Syndicate, which will be fixed by the Executive Committee.

b) The procedures for the transfer of the activity of the Syndicate to the above-mentioned organization will be the subject of a ruling prepared by the Executive Committee which must meet with the unanimous agreement of the member Governments.

The transfer will entail in particular the transmittal to the organization of the conclusions which the Syndicate has reached, as well as all information and all documents in the possession of the Syndicate to the extent that the latter are necessary for the work of the organization.

c) If the Syndicate terminates its activity without being able to transfer this activity to the above-mentioned organization, a liquidation ruling will, if necessary, be drawn up by the Executive Committee. In this case, the commitments

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assumed by the Governments and the associated bodies or enterprises in application of Articles 5 and 6 above shall cease to have effect upon the date of dissolution of the ~~Organization~~ Syndicate.

d) However, the prohibition for the participants in the work of the Syndicate to communicate to third parties information obtained through such participation remains in force after any termination of the activity of the Syndicate. In case the organization provided for in paragraph a) of the present Article is not formed, this prohibition can be lifted only by agreement of the Governments that were members of the Syndicate upon the date of its liquidation.

Article 15

The working meetings of the Syndicate will be held in Paris.

When the Syndicate must examine general problems or those having political implications, it will meet in Brussels ~~the~~ request of its President or the President of the Intergovernmental Conference for the Common Market and Euratom.

Article 16

a) The present statutes will enter into force upon the date by which all signatory Governments will either have unreservedly signed the present text of the statutes or in case of signing with a reservation as to acceptance, have notified the Belgium Government in writing of their acceptance.

However, the signatory Governments agree to apply the provisions of the present statutes temporarily effective with the date of signing.

Article 17

The Belgium Government will deliver certified true copies of the present statutes to all member Governments and to the Secretary-General of the Intergovernmental Conference for the Common Market and Euratom. The Belgium Government will communicate to member Governments any notification received by virtue of Article 12 paragraph b) and Article 16, paragraph a).

IN WITNESS WHEREOF the undersigned representatives, duly authorized for this purpose, have signed the present statutes.

Done at Brussels, September 7, 1956, in the German language, the French language, the Italian language and the Dutch language. The four copies, all of which are authoritative texts, will be deposited in the archives of the Belgium Government.

(Signatures)

Enc Translation

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